

## **Response**

### **A. Introduction**

Claims 6-8 and 13-16 are pending in the application. The Examiner rejected claims 6-8 under 35 U.S.C. § 112, contending Applicants' use of the words "it" and "its" in a prior independent claim rendered succeeding dependent claims indefinite. Having withdrawn a previous substantive rejection, the Examiner additionally newly rejected claims 6-8 and 13 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,227,489 to Kitamoto, et al.

### **B. Section 112 Rejection**

Applicants do not concede the propriety of the Examiner's rejection under Section 112. Nevertheless, for clarity Applicants have avoided in the pending claims any use of the words "it" or "its." Applicants accordingly request that the rejection under Section 112 be withdrawn.

### **C. Section 102(b) Rejection**

Applicants have made *no* substantive amendment to claim 6, merely rewriting the claim in independent form. As originally and presently written, claim 6 recites a seat with certain main and base frames and defining a longitudinal axis, "with the longitudinal axis not being parallel to the track in the floor of the vessel when the seat is attached thereto." Figures 7-9 of the application provide examples of seats mounted in this manner, with none aligned longitudinally with corresponding mounting tracks. Noted in the application is that:

seating units of the invention may include frames extended beyond the normal seat envelope. This permits intersection of the frames with regular seat tracks

in orientations other than simply with primary seats aligned longitudinally with the tracks.

See Application at p. 2, ll. 5-9.

According to the Examiner, the drawings of the Kitamoto patent disclose a “seating unit . . . attached to the floor of an aircraft via tracks that are not parallel to the seating unit.” See Office Action at p. 2. *Applicants disagree, however.* Indeed, clearly shown in Figure 4 of the Kitamoto patent is that the longitudinal axis of seat 3 is *wholly parallel* to tracks 10, *exactly the opposite* of the Examiner’s contention.\* Applicants have drawn such a longitudinal axis (labelled “LA”) onto the reproduction of Figure 4 shown below:

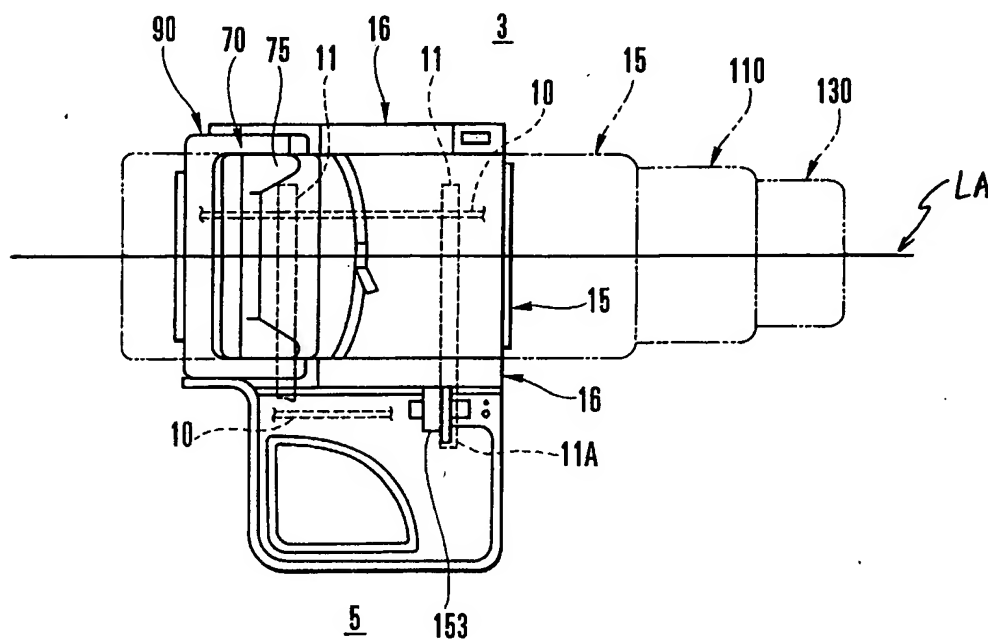


FIG. 4

\*Although the dashed lines representing tracks 10 in Fig. 1 of the Kitamoto patent are not rendered precisely, they too show that each seat 3 is oriented with its longitudinal axis parallel to the tracks 10.

Nor is this configuration surprising in any way. *Important to the invention of the Kitamoto patent is that the seating units remain aligned longitudinally*, so that “a front-row seat 3 is located in front of each side console 5, and a rear-row seat 3 is located immediately behind each side console 5.” See Kitamoto, col. 3, ll. 65-67. The units are aligned longitudinally

so that, when the seat 3 is set in the bed state and the passenger lies down stretching his legs, the passenger can place his legs on part of a footrest 130 . . . and in a storage section 6 in the side console 5 located in front of him . . . . With this arrangement, the distance between the front and rear seats can be relatively decreased.

See id., col. 4, ll. 2-8. Consequently, should seats 3 of the Kitamoto patent not be aligned with the mounting tracks as shown in its Figures 1 and 4, this important objective described in the patent will not be fulfilled.

Applicants accordingly believe the Examiner’s rejection of claim 6 to be erroneous and request that claims 6-8 and 13 be allowed. Applicants have added claims 14-16 referring to a direct-mounted seating unit having a seat with longitudinal axis “non-parallel to the track in the floor of the vessel,” similar to the language of claim 6. For at least the reasons advanced above, Applicants request that claims 14-16 be allowed as well.

**Conclusion**

Applicants request that the Examiner allow claims 6-8 and 13-16 and that a patent containing these claims issue in due course.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dean W. Russell".

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